

**BROWN & JONES REPORTING, INC.**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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STERLING D. BROWN,

Plaintiff,

- vs -

CITY OF MILWAUKEE, CITY OF  
MILWAUKEE CHIEF OF POLICE  
ALFONSO MORALES, in his  
official capacity, SERGEANT  
SEAN A. MAHNKE, SERGEANT  
JEFFREY S. KRUEGER, OFFICER  
JOSEPH J. GRAMS, OFFICER BOJAN  
SAMARDZIC, OFFICER JAMES P.  
COLLINS, OFFICER CRISTOBAL  
MARTINEZ AVILA, OFFICER ERIK A.  
ANDRADE, and OFFICER JASON P.  
JENSEN,

Case No. 2:18-cv-922

Defendants.

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Video Examination of SERGEANT JEFFREY KRUEGER,  
taken at the instance of the Plaintiff, under and  
pursuant to the Federal Rules of Civil Procedure, before  
KARA D. SHAWHAN, a Certified Realtime Reporter,  
Registered Merit Reporter and Notary Public in and for  
the State of Wisconsin, at City of Milwaukee, Office of  
City Attorney, 841 North Broadway, Milwaukee, Wisconsin,  
on May 31, 2019, commencing at 9:31 a.m. and concluding  
at 12:54 p.m.

A P P E A R A N C E S

GINGRAS, CATES & WACHS, by  
MR. MARK L. THOMSEN,  
MR. SCOTT THOMPSON,  
3228 Turnberry Oak Drive,  
Waukesha, Wisconsin 53188,  
appeared on behalf of the Plaintiff.

CITY OF MILWAUKEE,  
OFFICE OF CITY ATTORNEY, by  
MS. NAOMI GEHLING,  
200 East Wells Street, Room 800,  
Milwaukee, Wisconsin 53202,  
appeared on behalf of the Defendants.

A L S O P R E S E N T

Ms. Stephanie Olson, Videographer.

\* \* \* \* \*

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Disposition Of Original Exhibit/s:  
Attached To Original Transcript

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09:44 1 constitutional rights were violated on that night?

09:44 2 A No.

09:44 3 Q We were talking about the last time that you  
09:44 4 reviewed the body cam, and you had mentioned it was  
09:44 5 during the remedial training. Correct?

09:44 6 MS. GEHLING: Objection, mischaracterizes  
09:44 7 his testimony.

09:45 8 THE WITNESS: The last time I watched the  
09:45 9 body cam was in July.

09:45 10 BY MR. THOMSEN:

09:45 11 Q No. I know. But when we were talking, you had  
09:45 12 said that it was in June -- at the remedial  
09:45 13 training, then you recalled that there was one in  
09:45 14 July. Correct?

09:45 15 A That's correct.

09:45 16 Q Okay. And I just -- For purposes of reference, I  
09:45 17 want to go back to that earlier discussion. Okay?  
09:45 18 I understand that that was -- Strike that. Was  
09:45 19 that the first time you'd ever seen any body cam?

09:45 20 MS. GEHLING: Objection, vague.

09:45 21 BY MR. THOMSEN:

09:45 22 Q Well, put it this way. I'm not asking about the  
09:45 23 body cam of anybody else. Okay? So I'm talking  
09:45 24 about -- When I ask whether you've watched body  
09:45 25 cam, I want to know whether you've watched body cam

09:45 1 footage involving Mr. Brown at any time before the  
09:45 2 remedial training.

09:45 3 A Yes.

09:45 4 Q So let's go through each instance that you watched  
09:45 5 the body cam just so I can get them in a list.  
09:46 6 Fair enough?

09:46 7 A Yes.

09:46 8 Q Okay. First time?

09:46 9 A I watched bits of it when I downloaded it -- or  
09:46 10 uploaded it. It would be January 26, 2018.

09:46 11 Q Okay.

09:46 12 A And then during my first PI-21.

09:46 13 Q Okay. That was --

09:46 14 MS. GEHLING: It doesn't say.

09:46 15 MR. THOMSEN: Hmm?

09:46 16 MS. GEHLING: It doesn't say.

09:46 17 MR. THOMSEN: I know.

09:46 18 BY MR. THOMSEN:

09:46 19 Q The PI-21 -- 107 doesn't have the date of the  
09:46 20 PI-21, nor does it mention who was asking you  
09:46 21 questions. Correct?

09:46 22 A Correct.

09:46 23 Q Okay. So who was asking you the questions?

09:46 24 A Sergeant -- I know his last name. I don't -- I  
09:47 25 don't know how to say, if it's Erwin or Irvin, but

09:47 1 it's Sergeant Estacio.

09:47 2 MS. GEHLING: It's E-s-t-a-c-i-o.

09:47 3 BY MR. THOMSEN:

09:47 4 Q And do you recall the date?

09:47 5 A No. The exact date? No.

09:47 6 Q I believe Officer Grams' PI-21 was the same date of  
09:47 7 the incident. Was yours that quick, or was it the  
09:47 8 next day? Or don't you -- We'll have to track it  
09:47 9 down.

09:47 10 A We're -- If you get a PI-21, you are served with  
09:47 11 it, and then you have seven days or ten days to  
09:47 12 call your union, and then they set up the meeting.  
09:47 13 So I was served with the PI-21 that -- Friday  
09:47 14 night, but my PI-21 was a week or two after.

09:48 15 Q Let's -- Okay. So the second time you saw body cam  
09:48 16 of your involvement with Mr. Brown was your PI-21.  
09:48 17 The next time?

09:48 18 A Correct.

09:48 19 Q And the next time after that?

09:48 20 A The remedial training.

09:48 21 Q And then the next time after that was the second  
09:48 22 PI-21 in July?

09:48 23 A Correct.

09:48 24 Q Correct? Okay. And have you reviewed any body cam  
09:48 25 involving this incident since that?

09:48 1 A No.

09:49 2 Q Going back to the first time you looked when you  
09:49 3 were downloading it, what do you recall about the  
09:49 4 body cam that you were watching as you downloaded  
09:49 5 it on the 26th?

09:49 6 A I was -- I would click on a file, open it to see if  
09:49 7 it was involving the incident, and then I would  
09:49 8 mark it for download. I didn't sit there to watch  
09:49 9 the content of the video.

09:49 10 Q Okay. Did you watch any of the content of any of  
09:49 11 the video?

09:49 12 A Only to make sure that it was part of the incident  
09:49 13 and not another call, because the body cam video  
09:49 14 was not marked yet with the label of the incident,  
09:49 15 so you have to manually go open up the video, look  
09:50 16 at it, be like, "Okay. That's part of the  
09:50 17 incident," close it, and click it for upload.

09:50 18 Q Okay. Did you do the upload of all the body cams?

09:50 19 A No.

09:50 20 Q Do you recall which body cams you did, in fact,  
09:50 21 upload?

09:50 22 A No.

09:50 23 Q The -- Was there any editing or deletions made in  
09:50 24 any of the body cam that you uploaded?

09:50 25 A No.

09:50 1 Q Is it possible to do that type of editing on an  
09:50 2 upload?

09:50 3 MS. GEHLING: Objection, foundation,  
09:50 4 calls for speculation.

09:50 5 THE WITNESS: I can't do it.

09:50 6 BY MR. THOMSEN:

09:50 7 Q So the first time it was simply to -- Strike that.  
09:50 8 My assumption is that you were given the assignment  
09:51 9 to upload certain body cams?

09:51 10 A That was my assignment, yes, that night to help out  
09:51 11 Sergeant Mahnke, who was conducting the use of  
09:51 12 force.

09:51 13 Q Now, Sergeant Mahnke was not supposed to be  
09:51 14 conducting the use of force investigation.  
09:51 15 Correct?

09:51 16 A It was later determined that he would not be.

09:51 17 Q At the time he started, he knew that the policy was  
09:51 18 if you were involved in the incident, you should  
09:51 19 not conduct the investigation into the use of  
09:51 20 force. Correct?

09:51 21 MS. GEHLING: Objection, argumentative,  
09:51 22 foundation, calls for speculation.

09:51 23 THE WITNESS: I don't know what he knew  
09:51 24 at the time.

09:51 25 BY MR. THOMSEN:



09:51 1 Q I'm not asking what he knew, sir. I'm asking you  
09:51 2 what you knew as a sergeant. Are you with me?

09:52 3 A I'm confused as to what your question is.

09:52 4 Q That's fair then. Just tell me. Okay?

09:52 5 A I will.

09:52 6 Q As a sergeant, you knew that if you were involved  
09:52 7 in an incident, you needed to contact someone else  
09:52 8 to conduct the use of force. Correct?

09:52 9 MS. GEHLING: Objection, argumentative.

09:52 10 BY MR. THOMSEN:

09:52 11 Q Conduct the use of force investigation. Correct?

09:52 12 A Yes. If, as a sergeant, you use force, you contact  
09:52 13 somebody else.

09:52 14 Q Okay. Because the policy in the department is if  
09:52 15 you were involved in the incident, you could not  
09:52 16 conduct the investigation into the incident.  
09:52 17 Correct?

09:52 18 A I believe it's not that black and white. If you  
09:52 19 are involved in using force, then you call for  
09:53 20 somebody of a higher rank.

09:53 21 Q It's that black and white.

09:53 22 A If you are involved in the use of force, yes.

09:53 23 Q And what is the definition of "use of force"?

09:53 24 A I don't know the exact definition of "use of  
09:53 25 force." My summary of a use of force, if -- I

09:53 1 mean, there's different types of use of force. If  
09:53 2 -- I mean, I'm kind of repeating myself. If force  
09:54 3 is used, then it's a use of force.

09:54 4 Q When you grabbed Mr. Brown, that was using force.  
09:54 5 Correct?

09:54 6 MS. GEHLING: Objection, argumentative.

09:54 7 THE WITNESS: Merely taking hold of a  
09:54 8 person I do not consider use of force.

09:54 9 BY MR. THOMSEN:

09:54 10 Q If you take hold of someone and they end up being  
09:54 11 on the ground and you're part of that, and they're  
09:54 12 being tased, that's a use of force. Correct?

09:54 13 MS. GEHLING: Objection, argumentative,  
09:54 14 also compound.

09:54 15 THE WITNESS: If you're holding on to  
09:54 16 somebody, it doesn't necessarily mean that you are  
09:54 17 the one that took him to the ground.

09:54 18 BY MR. THOMSEN:

09:54 19 Q Well, let's just be blunt then. You were a  
09:54 20 sergeant at the scene. Correct?

09:54 21 A Correct.

09:54 22 Q You knew that your involvement in that scene  
09:55 23 precluded you from conducting the investigation  
09:55 24 into the use of force. Correct?

09:55 25 MS. GEHLING: Objection, argumentative.

09:55 1 THE WITNESS: At the time of the incident  
09:55 2 that night we didn't believe that we were the ones  
09:55 3 that used force. We were a part of the situation  
09:55 4 or incident, but we -- or I didn't feel that my  
09:55 5 actions took him to the ground.

09:55 6 BY MR. THOMSEN:

09:55 7 Q Did you believe you had the right to conduct the  
09:55 8 investigation into your use of force?

09:55 9 MS. GEHLING: Objection, argumentative  
09:55 10 and mischaracterizes his testimony.

09:55 11 THE WITNESS: I'm sorry. Could you  
09:55 12 repeat it?

09:55 13 BY MR. THOMSEN:

09:55 14 Q The court reporter will read it back.

09:55 15 (Record read.)

09:56 16 THE WITNESS: No.

09:56 17 BY MR. THOMSEN:

09:56 18 Q Okay. I know that you can't get into Sergeant  
09:56 19 Mahnke's head, but when you were in the car and you  
09:56 20 were aware that he was starting to conduct the  
09:56 21 investigation, why did you not tell him to stop  
09:56 22 because he knew it was wrong for him to conduct  
09:56 23 this use of force investigation?

09:56 24 MS. GEHLING: Objection, argumentative,  
09:56 25 foundation, calls for speculation, and also I think

09:56 1 mischaracterizes his testimony.

09:56 2 THE WITNESS: Can you -- I'm sorry.

09:57 3 (Record read.)

09:57 4 THE WITNESS: I didn't know he knew it  
09:57 5 was wrong.

09:57 6 BY MR. THOMSEN:

09:57 7 Q He'd been a sergeant longer than you. Right?

09:57 8 A Correct.

09:57 9 MS. GEHLING: Objection, foundation. Go  
09:57 10 ahead.

09:57 11 BY MR. THOMSEN:

09:57 12 Q Right?

09:57 13 A Yes.

09:57 14 Q And as a sergeant, working with a sergeant that has  
09:57 15 been doing it longer than you and you knew, why  
09:57 16 would you even think that?

09:57 17 MS. GEHLING: Objection, argumentative,  
09:57 18 vague.

09:57 19 THE WITNESS: At the time of the incident  
09:57 20 -- And maybe I didn't state this correctly. At the  
09:57 21 time of the incident or that night, I didn't know  
09:57 22 that it was wrong. I believed that we had not used  
09:57 23 force.

09:57 24 BY MR. THOMSEN:

09:58 25 Q See, this is what I'm trying to figure out,

09:58 1 Sergeant. If you are in the vehicle with Sergeant  
09:58 2 Mahnke after a young African American male is taken  
09:58 3 to the ground and tased for a parking -- alleged  
09:58 4 parking violation and you know that you can't  
09:58 5 conduct the investigation into the use of force and  
09:58 6 then you say to Sergeant Mahnke and Officer  
09:58 7 Collins, "We are trying to protect ourselves," it  
09:58 8 seems to me that maybe that's why you didn't object  
09:58 9 to Sergeant Mahnke conducting it.

09:58 10 MS. GEHLING: Is there a question?

09:58 11 BY MR. THOMSEN:

09:58 12 Q Certainly that's a possible explanation. Correct?

09:59 13 MS. GEHLING: Objection, argumentative,  
09:59 14 foundation, calls for speculation, mischaracterizes  
09:59 15 testimony, and brings in facts that have not been  
09:59 16 testified to. Please answer if you can.

09:59 17 THE WITNESS: No.

09:59 18 BY MR. THOMSEN:

09:59 19 Q Okay. You know, when you said, "We're protecting  
09:59 20 ourselves," you did not know you were on body cam.  
09:59 21 Correct?

09:59 22 MS. GEHLING: Objection, argumentative.

09:59 23 THE WITNESS: No, I did not.

09:59 24 BY MR. THOMSEN:

09:59 25 Q You didn't know that there was a mic picking

09:59 1 everything up. Correct?

09:59 2 A Correct.

09:59 3 Q Okay. Your code of conduct requires you to report  
09:59 4 unlawful or improper conduct by a fellow officer.  
09:59 5 Correct?

09:59 6 A Correct.

09:59 7 Q Did you ever report that Sergeant Mahnke was  
09:59 8 improperly conducting the use of force  
09:59 9 investigation to anyone?

10:00 10 MS. GEHLING: Objection, argumentative  
10:00 11 and mischaracterizes prior testimony.

10:00 12 THE WITNESS: I didn't believe that he  
10:00 13 was -- I forgot your exact wording. I don't know  
10:00 14 if you can read it back or --

10:00 15 (Record read.)

10:00 16 THE WITNESS: At the time of the  
10:00 17 incident, I did not believe that he was improperly  
10:00 18 reporting it.

10:00 19 BY MR. THOMSEN:

10:00 20 Q And please tell the jury why.

10:00 21 MS. GEHLING: Objection, asked and  
10:00 22 answered, but answer again.

10:00 23 THE WITNESS: I'm sorry. At the time I  
10:00 24 didn't believe that myself or Sergeant Mahnke had  
10:00 25 used force.



10:14 1 A I don't recall if it was played at the remedial  
10:14 2 training or not.

10:14 3 Q Do you -- As you're sitting here, do you remember  
10:14 4 any portions of Officer Avila's body cam that you  
10:14 5 reviewed during your first PI-21?

10:14 6 A In general, I remember it, but maybe not specific  
10:14 7 or -- I mean, in general, I remember it.

10:14 8 Q Do you recall witnessing events that were  
10:15 9 inconsistent with training provided by the  
10:15 10 department?

10:15 11 MS. GEHLING: Objection, vague.

10:15 12 THE WITNESS: Could you just read -- I'm  
10:15 13 sorry.

10:15 14 (Record read.)

10:15 15 THE WITNESS: No, I do not recall.

10:15 16 BY MR. THOMSEN:

10:15 17 Q Now, you watched a lot of body cam footage at the  
10:15 18 remedial training in June of 2018. Correct?

10:15 19 A Yes.

10:15 20 Q And you recall the first video that you watched at  
10:15 21 the remedial training would have been body cam  
10:16 22 footage from Officer Grams' body camera?

10:16 23 MS. GEHLING: Objection, foundation.

10:16 24 THE WITNESS: Yes.

10:16 25 BY MR. THOMSEN:



10:24 1 BY MR. THOMSEN:

10:24 2 Q What were the officers told went wrong?

10:24 3 MS. GEHLING: Objection, vague. Please  
10:24 4 answer.

10:24 5 THE WITNESS: It was about professional  
10:24 6 communication.

10:24 7 BY MR. THOMSEN:

10:24 8 Q So what about professional communication was wrong?

10:24 9 A There was many examples where it wasn't used in  
10:24 10 this incident.

10:24 11 Q Let's go through all these many examples where  
10:24 12 professional communication was not used in this  
10:25 13 incident with Sterling Brown. Go ahead.

10:25 14 A I'm sorry.

10:25 15 Q You said there were many examples.

10:25 16 A Oh. Okay.

10:25 17 Q Right?

10:25 18 A Correct.

10:25 19 Q Okay. Tell the jury what all those examples are.

10:25 20 A Okay.

10:25 21 Q When I ask a question, please just answer.

10:25 22 MS. GEHLING: He's waiting for me to  
10:25 23 object. I told him to give me a minute to get my  
10:25 24 objections in.

10:25 25 MR. THOMSEN: Fair enough.

10:25 1 THE WITNESS: Officer Grams -- how he  
10:25 2 spoke to Mr. Brown.

10:25 3 BY MR. THOMSEN:

10:25 4 Q Okay. What else?

10:25 5 A How my discussion with Mr. Brown went.

10:26 6 Q So what was wrong with your discussion with  
10:26 7 Mr. Brown?

10:26 8 MS. GEHLING: Objection, mischaracterizes  
10:26 9 his testimony.

10:26 10 THE WITNESS: It wasn't very  
10:26 11 professional.

10:26 12 BY MR. THOMSEN:

10:26 13 Q So tell the jury how your communications with  
10:26 14 Sterling Brown on January 26, 2018, was not  
10:26 15 professional.

10:26 16 A I became frustrated, and that caused me to say,  
10:26 17 like, "You know, you're bothering me." So --

10:26 18 Q What else?

10:27 19 A I'm sorry. I'm drawing a blank right now.

10:27 20 Q It's okay. Take your time.

10:27 21 A I just -- I think the overall demeanor that I had,  
10:27 22 we talked about that.

10:27 23 Q What about your overall demeanor was inappropriate,  
10:27 24 sir?

10:27 25 MS. GEHLING: Objection, mischaracterizes

10:27 1 his testimony.

10:27 2 THE WITNESS: It wasn't -- my overall --

10:27 3 Well, my demeanor was not professional.

10:27 4 BY MR. THOMSEN:

10:28 5 Q In what way, sir?

10:28 6 A Well, how I talked to him.

10:28 7 Q And please explain to the jury the details of that.

10:28 8 A Well, I told him he was bothering me, and that's  
10:28 9 the biggest one that sticks out to me.

10:28 10 Q You threatened to tow his truck -- I mean tow his  
10:28 11 car.

10:28 12 A Correct.

10:28 13 Q That is an unlawful act by you. Correct?

10:28 14 MS. GEHLING: Objection, argumentative.

10:28 15 THE WITNESS: What part -- I -- I didn't  
10:28 16 tow his vehicle for the parking ticket.

10:28 17 BY MR. THOMSEN:

10:28 18 Q I didn't ask you why it was towed ultimately.

10:28 19 A Okay.

10:28 20 Q I'm talking about when you're talking to Mr. Brown  
10:29 21 unprofessionally -- using your words -- and you  
10:29 22 told him, "Let's tow the car," you had no basis to  
10:29 23 tow the car at that point in time. Correct?

10:29 24 MS. GEHLING: Objection, argumentative.

10:29 25 THE WITNESS: That's correct.

10:53 1 THE WITNESS: I don't know how Mr. -- or  
10:53 2 Officer Grams would have treated my son.

10:53 3 BY MR. THOMSEN:

10:54 4 Q Certainly you wouldn't have threatened your son by  
10:54 5 threatening to tow his car. Would you?

10:54 6 MS. GEHLING: Objection, argumentative,  
10:54 7 relevance, calls for speculation, foundation.

10:54 8 THE WITNESS: I might threaten my son,  
10:54 9 but -- but I don't know.

10:54 10 BY MR. THOMSEN:

10:54 11 Q What we do know, there was no -- Strike that. You  
10:54 12 would agree with me at no point in time was there  
10:54 13 reasonable suspicion that Mr. Brown had ever  
10:54 14 committed a crime. Correct?

10:54 15 MS. GEHLING: Objection,  
10:54 16 mischaracterizes testimony, argumentative.

10:54 17 THE WITNESS: I would disagree with that.  
10:55 18 At the time we felt -- or I felt that we had  
10:55 19 resisting.

10:55 20 BY MR. THOMSEN:

10:55 21 Q He'd been detained before that point in time  
10:55 22 already. Right?

10:55 23 MS. GEHLING: Objection, foundation.

10:55 24 THE WITNESS: Yes. But at that time --  
10:55 25 Well, yes.

10:55 1 BY MR. THOMSEN:

10:55 2 Q Okay. So at the point you first approach him, he'd  
10:55 3 already been detained. Right?

10:55 4 A Yes.

10:55 5 Q There had been no basis -- no reasonable suspicion  
10:55 6 that he had committed a crime for him being  
10:55 7 detained. Correct?

10:55 8 MS. GEHLING: Objection, foundation,  
10:55 9 argumentative and calls for speculation.

10:55 10 THE WITNESS: From -- I'm sorry. I'm  
10:55 11 about to -- At the time I didn't know what the  
10:55 12 interaction between Officer Grams and him were --  
10:55 13 or was, so I didn't know necessarily -- Well, I did  
10:56 14 not know what had transpired.

10:56 15 BY MR. THOMSEN:

10:56 16 Q I'm assuming your training was you're supposed to  
10:56 17 find out what had transpired before you start  
10:56 18 acting. Right?

10:56 19 MS. GEHLING: Objection, argumentative.

10:56 20 THE WITNESS: Yes. I failed my  
10:56 21 supervisor duties at that point.

10:56 22 BY MR. THOMSEN:

10:56 23 Q Well, you failed your -- just being an officer's  
10:56 24 duties. Right?

10:56 25 MS. GEHLING: Objection, argumentative.



11:01 1 know if his demeanor would have changed or what, so  
 11:01 2 I don't know what the outcome would be.

11:01 3 BY MR. THOMSEN:

11:01 4 Q Well, you certainly wouldn't have tried to create a  
 11:02 5 scenario that he was armed. Correct?

11:02 6 MS. GEHLING: Objection, it  
 11:02 7 mischaracterizes testimony and argumentative.

11:02 8 THE WITNESS: I -- I don't -- I don't  
 11:02 9 know. I guess maybe I don't understand how you're  
 11:02 10 asking it.

11:02 11 BY MR. THOMSEN:

11:03 12 Q I'm showing you what was marked as 107. Correct?

11:03 13 A Yes, sir.

11:03 14 Q This is a PI-21. Right?

11:03 15 A Correct.

11:03 16 Q And is a PI-21 taken under oath?

11:03 17 A I don't believe it's under oath.

11:03 18 Q Okay. But you are -- it's your understanding that  
 11:04 19 when you give a statement, correct, that it must be  
 11:04 20 truthful.

11:04 21 A Yes.

11:04 22 Q At Page 24 at Line 9 -- Well, at Lines 9 and 8, you  
 11:04 23 tell -- Is it Sergeant -- What is his name?

11:04 24 A Estacio.

11:04 25 Q -- Sergeant Estacio in quotes, "He got really

11:04 1 agitated with me looking into his vehicle, and now

11:04 2 I see this gun."

11:04 3 A May I see that?

11:04 4 Q Sure.

11:04 5 A Okay. I'm sorry, what line was it?

11:04 6 Q Lines 8 and 9, sir, of --

11:04 7 A Of Page --

11:04 8 Q -- Page 24. Did I read it right?

11:05 9 A You read it correctly.

11:05 10 Q It wasn't true.

11:05 11 A Oh, it was -- Yeah. That -- I did not see a gun.

11:05 12 No.

11:05 13 Q So if you never saw a gun, why are you telling  
11:05 14 internal affairs that you saw a gun, sir?

11:05 15 A I must have misspoke and nobody caught it.

11:05 16 Q When you and Sergeant Mahnke were talking and when  
11:05 17 Officer Collins got you on his camera unbeknownst  
11:05 18 to anybody and you said, "We're protecting  
11:05 19 ourselves," after Officer Collins left, what did  
11:05 20 you and Sergeant Mahnke talk about?

11:05 21 A I don't recall the specific conversation. I do  
11:06 22 know that we talked about how we were going to  
11:06 23 split up the work.

11:06 24 Q Please tell the jury how you were going to split up  
11:06 25 the work.



11:06 1 A Sergeant Mahnke was going to do the use of force,  
 11:06 2 and I was going to help him upload body cam. I  
 11:06 3 also told him I would take the photos for the car.  
 11:06 4 I don't know if that was before or after our  
 11:06 5 conversation, though.

11:06 6 Q And in this process of dividing up the work, how  
 11:06 7 was it designed to protect yourself?

11:06 8 MS. GEHLING: Objection, vague, also  
 11:06 9 mischaracterizes prior testimony.

11:07 10 THE WITNESS: Maybe I -- I didn't hear  
 11:07 11 you correctly before. Were you asking about the  
 11:07 12 conversation before or after Officer Collins came  
 11:07 13 up? Is that what you asked?

11:07 14 BY MR. THOMSEN:

11:07 15 Q Well, I know there was a conversation going on in  
 11:07 16 the car. Correct?

11:07 17 A Correct.

11:07 18 Q Sergeant Mahnke, you and Officer Collins for the  
 11:07 19 time that Officer Collins was in the car. Correct?

11:07 20 A By the car? Yes.

11:07 21 Q He actually got in the car.

11:07 22 A Oh. I don't remember that.

11:07 23 Q I believe he did. At any point in time Officer  
 11:07 24 Collins left. Right?

11:07 25 A Correct.

11:31 1 explicit bias prior to your contact with Mr. Brown?

11:31 2 A I believe so.

11:31 3 Q And in what context would that have been?

11:31 4 A I believe at an inservice.

11:31 5 Q Okay. And at the remedial training, this June

11:32 6 event that you had, was there discussion about

11:32 7 Officer Grams' use of "I own this" as reflecting

11:32 8 explicit bias?

11:32 9 A I don't recall that term being used with the

11:32 10 discussion.

11:32 11 Q How was the notion of bias used in that discussion?

11:32 12 MS. GEHLING: Objection, foundation,

11:32 13 mischaracterizes testimony.

11:32 14 THE WITNESS: I don't recall it being

11:32 15 used.

11:32 16 BY MR. THOMSEN:

11:32 17 Q Okay. Do you agree that Officer Grams' use of "I

11:32 18 own this" after pushing Mr. Brown had a racial

11:33 19 overtone?

11:33 20 MS. GEHLING: Objection, argumentative.

11:33 21 THE WITNESS: No.

11:33 22 BY MR. THOMSEN:

11:33 23 Q Do you believe that Officer Grams' pushing

11:33 24 Mr. Brown and saying, "I own this" could be

11:33 25 perceived by an African American as having racial

11:33 1 bias?

11:33 2 MS. GEHLING: Objection, calls for  
11:33 3 speculation, foundation.

11:33 4 BY MR. THOMSEN:

11:33 5 Q Or reflecting racial bias?

11:33 6 MS. GEHLING: Same objection.

11:33 7 THE WITNESS: I believe it could be  
11:33 8 perceived that way.

11:33 9 (Exhibit No. 109 was marked.)

11:34 10 BY MR. THOMSEN:

11:34 11 Q I'm going to show you what's been marked as  
11:34 12 Exhibit 109. Can you tell me what that is?

11:34 13 A It says, "Milwaukee Police Department Investigation  
11:34 14 Employee Case File History."

11:34 15 Q And on the first page of Exhibit 109, there is a  
11:34 16 reference to an incident date of 1-26-2018. Is  
11:34 17 that correct?

11:34 18 A Correct.

11:34 19 Q And the allegation -- Well, strike that. That has  
11:34 20 to do with your involvement with Sterling Brown.  
11:34 21 Correct?

11:34 22 A Correct.

11:34 23 Q And the linked complainant was listed as Michael J.  
11:34 24 Brunson. Correct?

11:34 25 A Correct.

11:34 1 Q Who is Michael J. Brunson?

11:35 2 A He's an assistant chief.

11:35 3 Q And the first allegation was "Restraint,

11:35 4 6.01-Excessive Use of Force" and a finding of "not

11:35 5 sustained." Correct?

11:35 6 A Correct.

11:35 7 Q Do you know who determined that that was not

11:35 8 sustained?

11:35 9 MS. GEHLING: Objection, foundation,

11:35 10 calls for speculation.

11:35 11 THE WITNESS: No.

11:35 12 BY MR. THOMSEN:

11:35 13 Q The second allegation is "Competence, 1.02-Failure

11:35 14 to Cooperate with a Citizen to Ensure Public

11:35 15 Safety." Did I read that correctly?

11:35 16 A Yes, sir.

11:35 17 Q And that was to failure -- Strike that. That

11:35 18 refers to your failure to cooperate with Mr. Brown

11:35 19 to ensure his safety. Correct?

11:35 20 MS. GEHLING: Objection, foundation,

11:35 21 calls for speculation.

11:35 22 THE WITNESS: Yes.

11:35 23 BY MR. THOMSEN:

11:35 24 Q And for that you received a policy review.

11:36 25 Correct?

11:36 1 A Correct.

11:36 2 (Exhibit No. 110 was marked.)

11:36 3 BY MR. THOMSEN:

11:36 4 Q And I'm going to show you what's been marked as  
11:36 5 Exhibit 110. First, tell me whether you've seen  
11:36 6 this document before.

11:36 7 A No, I have not.

11:36 8 MS. GEHLING: It's two pages. Look at  
11:36 9 them both, please.

11:36 10 THE WITNESS: Oh. Sorry.

11:36 11 BY MR. THOMSEN:

11:36 12 Q Have you ever seen any of the documents in  
11:36 13 Exhibit 110 before?

11:36 14 A No, sir.

11:36 15 Q Do you recall the policy review?

11:36 16 A Yes.

11:36 17 Q And according to this memo by Sergeant Palmer, on  
11:37 18 April 16, he met with you to review a matter in  
11:37 19 which you and numerous other officers failed to  
11:37 20 cooperate with each other during an investigation.  
11:37 21 Did I read that correctly?

11:37 22 A Correct.

11:37 23 Q Tell me, how long was this policy review?

11:37 24 A This is an approximate. 15 minutes.

11:37 25 Q And what do you recall about this 15 minutes?

11:46 1 time that he may be armed.

11:46 2 BY MR. THOMSEN:

11:46 3 Q And is that because you saw a gun in the car?

11:46 4 MS. GEHLING: Objection, argumentative,  
11:46 5 also foundation.

11:46 6 THE WITNESS: I didn't ever see a gun in  
11:46 7 the car.

11:46 8 BY MR. THOMSEN:

11:46 9 Q All right. There was no basis ever to believe that  
11:46 10 Mr. Brown was armed. Correct?

11:46 11 MS. GEHLING: Objection, argumentative,  
11:46 12 foundation, also mischaracterizes his previous  
11:46 13 testimony.

11:46 14 THE WITNESS: Can you just repeat the  
11:46 15 first part, please?

11:47 16 (Record read.)

11:47 17 THE WITNESS: It was my belief that he  
11:47 18 was armed or possibly armed after seeing the  
11:47 19 targets in his car.

11:47 20 BY MR. THOMSEN:

11:47 21 Q You're trained on individuals' constitutional  
11:47 22 rights. Correct?

11:47 23 A Correct.

11:47 24 Q As a deer hunter, I have a constitutional right to  
11:47 25 have a gun. Right?

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A Yes, sir.

Q Citizens have a right to have targets in the back seat of their car. Correct?

A Yes, sir.

Q Citizens have the right to have targets with holes in the back seat of a car. Correct?

A Yes, sir.

Q And the fact that there's a target with holes in the back seat of a car does not constitute a reasonable suspicion that a person is armed. Correct?

MS. GEHLING: Objection, argumentative.

THE WITNESS: Correct.

BY MR. THOMSEN:

Q So you would agree with me there was never a reasonable belief that Mr. Brown was armed. Correct?

A I believed at the time given his demeanor with -- in -- with the targets accompanying that, with my belief that he didn't want us to be near his car, that there was a -- that he may be armed.

Q Now, Sergeant, wasn't that part of the remedial training? Didn't they tell you that that wasn't a legitimate basis?

MS. GEHLING: Objection, argumentative,

12:03 1 keeping his hands warm, sir?

12:03 2 MS. GEHLING: Objection, argumentative,  
12:03 3 foundation, calls for speculation.

12:03 4 THE WITNESS: I don't know what he was  
12:03 5 doing with his hands. I --

12:03 6 BY MR. THOMSEN:

12:03 7 Q So when he had his hands out of his pocket the  
12:03 8 first time, did he have a huge bulge in his pocket  
12:03 9 that looked like there was a gun there, sir?

12:03 10 MS. GEHLING: Objection, argumentative.

12:03 11 THE WITNESS: I don't recall seeing a  
12:03 12 huge bulge.

12:03 13 BY MR. THOMSEN:

12:03 14 Q Right. There was nothing about Mr. Brown's pockets  
12:04 15 or the way he had his hands in and out of his  
12:04 16 pockets that would ever lead you to suspect that he  
12:04 17 had a gun. Correct?

12:04 18 MS. GEHLING: Objection, mischaracterizes  
12:04 19 testimony, argumentative.

12:04 20 THE WITNESS: There was nothing specific  
12:04 21 about his pockets that made me suspect he had a  
12:04 22 gun.

12:04 23 BY MR. THOMSEN:

12:04 24 Q And so then you saw his hands out of his pockets.  
12:04 25 He didn't have a gun in his hands. Right?



12:04 1 A Correct.

12:04 2 Q And then when he put his hand into his pockets that  
12:04 3 didn't ever look like there was a gun there,  
12:04 4 certainly you weren't saying, "Oh, now he has a gun  
12:04 5 magically in his pocket." Correct?

12:04 6 MS. GEHLING: Objection, foundation,  
12:04 7 argumentative.

12:04 8 THE WITNESS: Correct.

12:04 9 BY MR. THOMSEN:

12:04 10 Q I'm going to show you what's been marked as  
12:05 11 Exhibit 112. This is a statement that you actually  
12:05 12 made sometime after the incident. Correct?

12:05 13 A Yes, sir.

12:05 14 Q How many versions of this report were there?

12:05 15 MS. GEHLING: Objection, foundation.

12:05 16 THE WITNESS: I'm sorry. I don't  
12:05 17 understand your question.

12:05 18 BY MR. THOMSEN:

12:05 19 Q How many drafts of this report were there?

12:05 20 A How many -- This is, as far as I know, the only  
12:05 21 report I wrote.

12:05 22 Q Did you make any changes to the report you wrote?

12:06 23 A No.

12:06 24 Q On the first page of the report, middle of that  
12:06 25 print, there's a paragraph that starts, "The

12:06 1 reason..." Do you see that?

12:06 2 A Yes.

12:06 3 Q Well, let's start the paragraph before. It says  
12:06 4 that you "walked over to where the vehicle was  
12:06 5 parked and illuminated the interior of the vehicle  
12:06 6 with your flashlight." Correct?

12:06 7 A Yes.

12:06 8 Q And then you said, "As soon as I did this, the  
12:06 9 black male subject who was later identified as  
12:06 10 Sterling Brown walked towards me." Correct?

12:06 11 A Correct.

12:06 12 Q He didn't lunge towards you. Correct?

12:06 13 MS. GEHLING: Objection, argumentative.

12:06 14 THE WITNESS: That's correct.

12:06 15 BY MR. THOMSEN:

12:06 16 Q He didn't run towards you.

12:06 17 MS. GEHLING: Objection, argumentative.

12:06 18 THE WITNESS: Correct.

12:06 19 BY MR. THOMSEN:

12:06 20 Q He simply walked towards you.

12:07 21 A Correct.

12:07 22 Q So when someone walks towards you as you're  
12:07 23 approaching their car, why did you write "in what I  
12:07 24 felt was an aggressive manner"?

12:07 25 MS. GEHLING: Objection, vague and also

12:07 1 argumentative.

12:07 2 THE WITNESS: Because at the time when I  
12:07 3 was looking into the vehicle and Mr. Brown walked  
12:07 4 up, that was the sense I got, that it was  
12:07 5 aggressive in how he stood so close and over me.

12:07 6 BY MR. THOMSEN:

12:07 7 Q He didn't touch you.

12:07 8 MS. GEHLING: Objection, argumentative.

12:07 9 BY MR. THOMSEN:

12:07 10 Q Right?

12:07 11 A Correct.

12:07 12 Q So is it the fact that he is a young African  
12:08 13 American man that makes him walking "aggressive"?

12:08 14 MS. GEHLING: Objection, argumentative.

12:08 15 THE WITNESS: No.

12:08 16 BY MR. THOMSEN:

12:08 17 Q What makes it aggressive, sir?

12:08 18 A I don't know how to explain it any more than what I  
12:08 19 stated.

12:08 20 Q You write, "Then he immediately asked why I was  
12:08 21 looking into his vehicle. I advised Brown to not  
12:08 22 walk up to an officer in the manner that he did."  
12:08 23 Right? That's what your report says?

12:08 24 A Correct.

12:08 25 Q There's no reference in your report that you told

12:08 1 him the Supreme Court said you can look into  
12:09 2 anything. Right?

12:09 3 A Correct.

12:09 4 Q And the sergeant of internal affairs said if you  
12:09 5 used that language with him, he would be mad as  
12:09 6 hell or something to that effect?

12:09 7 MS. GEHLING: Objection, foundation.

12:09 8 THE WITNESS: I believe that's correct.

12:09 9 BY MR. THOMSEN:

12:09 10 Q You then say, "I then told Brown to get away from  
12:09 11 the vehicle." Yeah?

12:09 12 A Yes, sir.

12:09 13 Q And then you say, "The reason I did this is because  
12:09 14 I did not know what was in the vehicle, and based  
12:09 15 on what Sergeant Mahnke told me, I felt there was a  
12:09 16 possibility that Brown was either going to attempt  
12:09 17 to get into the vehicle and flee or there was  
12:09 18 something illegal in the vehicle." Did I read that  
12:10 19 correctly?

12:10 20 A Correct.

12:10 21 Q What did Sergeant Mahnke tell you?

12:10 22 A I don't recall the exact conversation.

12:10 23 Q Just tell me general conversation. What did  
12:10 24 Sergeant Mahnke generally tell you so now you had a  
12:10 25 possibility that Mr. Brown was going to attempt to

12:23 1 submitted to the Honorable, the Board of Fire and  
 12:23 2 Police Commissioners of the City of Milwaukee by  
 12:23 3 Chief Alfonso Morales on May 21, 2018, regarding  
 12:23 4 charges against you. Correct?

12:23 5 A Correct.

12:23 6 Q And you have seen this document before, presumably.

12:23 7 A I may have. It doesn't look familiar to me. I'm  
 12:23 8 sorry.

12:23 9 Q Look at Page 3 and at the bottom paragraph, the  
 12:23 10 second to last sentence. It says, in quotes, "His  
 12:24 11 failure in not allowing the initiating officer to  
 12:24 12 conduct his investigation and resolve with a  
 12:24 13 citation as prescribed by the violation in question  
 12:24 14 led to the escalation of force and concluded with  
 12:24 15 eight officers using force and a citizen being  
 12:24 16 tased." Did I read that correctly?

12:24 17 A Correct.

12:24 18 Q And the "his failure" there, that's a reference to  
 12:24 19 Sergeant Krueger -- you. Correct?

12:24 20 A Yes.

12:24 21 Q Do you agree with that?

12:24 22 MS. GEHLING: Objection, argumentative.

12:24 23 THE WITNESS: Yes.

12:24 24 (Exhibit No. 115 was marked.)

12:24 25 BY MR. THOMSEN:

12:25 1 Q And I'm going to show you what's been marked as  
12:25 2 Exhibit 115. Have you ever seen this document  
12:25 3 before?

12:25 4 A No, I have not.

12:25 5 Q Do you understand what it is? Put it this way. Do  
12:25 6 you know what a discipline review summary is?

12:25 7 A I don't believe I've ever seen one before, so if I  
12:25 8 can just have a moment to look at this.

12:25 9 Q Oh, of course. Of course. Of course.

12:26 10 A I'm done, sir.

12:26 11 Q Okay. Do you know what a discipline review summary  
12:26 12 is?

12:26 13 A It's apparently the review of the internal  
12:26 14 investigation.

12:26 15 Q And you admitted to the charges. Correct?

12:26 16 A Yes.

12:26 17 Q There is a reference here, in quotes, "Member  
12:26 18 responded to charges and took responsibility for  
12:26 19 his actions." Do you see that?

12:27 20 A Yes, sir.

12:27 21 Q And when you took responsibility for your actions,  
12:27 22 you were admitting that your failure to act in a  
12:27 23 proper supervisory manner resulted in Mr. Brown  
12:27 24 being taken down and tased. Correct?

12:27 25 MS. GEHLING: Objection, argumentative.

12:27 1 THE WITNESS: I believe that my failure  
12:27 2 to supervise did not -- I wouldn't say my failure  
12:27 3 was the exact and direct reason it happened. It  
12:27 4 was definitely a part of the reason that the  
12:27 5 outcome was the way it was.

12:27 6 BY MR. THOMSEN:

12:27 7 Q I guess that's fair, because there were two  
12:27 8 sergeants involved. Correct?

12:27 9 A Yes, sir.

12:27 10 Q Okay.

12:28 11 MR. THOMSEN: Let's go off the record for  
12:28 12 a moment.

12:28 13 THE VIDEOGRAPHER: We are off the record  
12:28 14 at 12:28 p.m.

12:28 15 (A break was taken.)

12:43 16 THE VIDEOGRAPHER: We are back on the  
12:43 17 record at 12:43 p.m.

12:44 18 (Exhibit No. 116 was marked.)

12:44 19 BY MR. THOMSEN:

12:44 20 Q Sergeant Krueger, I'm going to show you what's been  
12:44 21 marked as Exhibit 116, and this is a memo from  
12:44 22 Sergeant Hines to Captain Kavanagh dated  
12:44 23 November 27, 2018?

12:44 24 A Yes, sir.

12:44 25 Q And this is a discussion of a session Sergeant

12:48 1 MS. GEHLING: Same objection.

12:48 2 THE WITNESS: I don't know why I didn't  
12:48 3 write it in my report.

12:48 4 BY MR. THOMSEN:

12:48 5 Q I mean, this is Officer Grams telling his  
12:48 6 supervisor -- you -- right after Mr. Brown is tased  
12:48 7 "Hey, if he just wouldn't have been a dick, I would  
12:48 8 have just said, 'Hey, here you go.'" Right?

12:48 9 A That's what he said. Yes.

12:49 10 Q I mean, he didn't say anything about a robbery.  
12:49 11 Right?

12:49 12 MS. GEHLING: Objection, foundation.

12:49 13 THE WITNESS: Correct.

12:49 14 BY MR. THOMSEN:

12:49 15 Q He didn't say anything about dead bodies or  
12:49 16 possible dead bodies in the Walgreens. Right?

12:49 17 MS. GEHLING: Objection, foundation.

12:49 18 THE WITNESS: Correct.

12:49 19 BY MR. THOMSEN:

12:49 20 Q Now, were you also in the vehicle when Officer  
12:49 21 Collins was calling Mr. Brown a douchebag?

12:49 22 A I'm -- Yes, I was in a squad car when that  
12:49 23 happened.

12:49 24 Q And the session you had with Sergeant Hines in  
12:49 25 November of 2018 again referred to that when



12:51 1 MS. GEHLING: Objection, foundation, also  
12:51 2 argumentative.

12:51 3 THE WITNESS: I don't recall.

12:51 4 BY MR. THOMSEN:

12:51 5 Q You agree that Officer Collins had no basis to be  
12:51 6 standing on Mr. Brown's leg. Correct?

12:51 7 MS. GEHLING: Objection, argumentative,  
12:51 8 foundation, calls for speculation.

12:51 9 THE WITNESS: I don't know the context of  
12:51 10 when he was standing on his foot. It's not a  
12:52 11 trained technique.

12:52 12 BY MR. THOMSEN:

12:52 13 Q It's clearly an unreasonable use of force.  
12:52 14 Correct?

12:52 15 MS. GEHLING: Objection, argumentative,  
12:52 16 foundation.

12:52 17 THE WITNESS: I don't know how much force  
12:52 18 was applied. I would call it "untrained and  
12:52 19 probably inappropriate," but "unreasonable"? I  
12:52 20 don't know.

12:52 21 BY MR. THOMSEN:

12:52 22 Q Are you aware of any Milwaukee Police Department  
12:52 23 officers that have been disciplined based on their  
12:52 24 race?

12:52 25 MS. GEHLING: Objection, vague.

12:52 1 THE WITNESS: I'm sorry, could you repeat  
12:52 2 that?

12:52 3 BY MR. THOMSEN:

12:52 4 Q Are you aware of any -- Strike that. Let me  
12:52 5 reframe that question. You have been on the force  
12:52 6 for how many years, did you say?

12:53 7 A 13.

12:53 8 Q And in those 13 years, are you aware of any  
12:53 9 Milwaukee Police Department officers that have been  
12:53 10 disciplined for excessive use of force?

12:53 11 MS. GEHLING: Objection, foundation.

12:53 12 THE WITNESS: I don't recall. Excessive  
12:53 13 use of force? No, I don't.

12:53 14 BY MR. THOMSEN:

12:53 15 Q And in those same 13 years, are you aware of any  
12:53 16 officers that have ever been disciplined for racist  
12:53 17 conduct?

12:53 18 MS. GEHLING: Objection, vague, also  
12:53 19 foundation.

12:53 20 THE WITNESS: No. Not that I recall.

12:54 21 MR. THOMSEN: Thank you, Sergeant  
12:54 22 Krueger.

12:54 23 THE WITNESS: All right.

12:54 24 MR. THOMSEN: That's all I have for  
12:54 25 today.